

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**Case. No.: 3: 97-CR-0082-044(SEC)**

**HAROLD RIVERA-RODRIGUEZ  
T/N HAROLD RIVERA-MIRANDA**

\*\*\*\*\*

**MOTION REQUESTING WARRANT**

TO THE HONORABLE SALVADOR E. CASELLAS  
SEÑOR U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO

**COMES NOW, VICTOR M. CANINO U.S. PROBATION OFFICER of this Honorable Court,** presenting the following supplemental report on Mr. Harold Rivera-Rodríguez.

On April 16, 1999, to eighty-seven (87) months of imprisonment after pleading guilty to violating Title 18 U.S.C. § 846. A four (4) year supervised release term was also imposed with the following special conditions: Mr. Rivera-Rodríguez was ordered to submit to urinalyses and engage in treatment if necessary and participate in vocational training and job placement programs. He was further ordered to pay a \$100.00 special monetary assessment.

On December 6, 2005, the United States Probation Officer filed a motion requesting modification of conditions as well as an arrest warrant based on the fact that Mr. Rivera-Rodríguez was kicked out of his home and would not report to the United States Probation Office. The motion was granted and an arrest warrant was issued.

Subsequent to the motion being filed, Mr. Rivera-Rodríguez was arrested on February 7, 2006 for possession with intent to distribute cocaine and heroin. This case is scheduled for trial on February 8, 2007, in the Ponce Court.

On December 21, 2006, Mr. Rivera-Rodríguez appeared before the Court and his term of supervised release was revoked. The Court sentenced Mr. Rivera-Rodríguez to time served and ten months of supervised release with the following special conditions:

The defendant shall reside for a period of sixty days (60) days at the Drug Rehabilitation Program, Santísima Trinidad. Upon his release, Mr. Rivera Rodríguez shall continue to participate in an outpatient drug program and submit to random urinalysis, not to exceed 104 samples per year, in accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. The defendant is required to contribute to the cost of services rendered (co-payment) based on the ability to pay or availability of third party payments, as approved by the Court.

The defendant shall participate in vocational training and/or job placement program recommended by the U.S. Probation Officer.

The defendant shall submit his/her person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

The defendant shall obtain prior written approval from the Court before entering into any self-employment.

The defendant shall cooperate in the collection of a DNA sample as directed by the U.S. Probation Officer, pursuant to the Revised DNA Collection Requirements, and Title 18, U.S. Code §3563(a)(9).

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

**VIOLATION OF SPECIAL CONDITION:** The defendant shall reside for a period of sixty days (60) days at the Drug Rehabilitation Program, Santísima Trinidad. Upon his release, Mr. Rivera Rodríguez shall continue to participate in a outpatient drug program once he is in the community and submit himself to random urinalysis, not to exceed 104 samples per year, in accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. The defendant is required to contribute to the cost of services rendered (co-payment) based on the ability to pay or availability of third party payments, as approved by the Court.

On December 26, 2006, the United States Probation Office received a call from Satisima Trinidad Program Staff indicating that Mr. Rivera-Rodríguez had absconded from the in-patient drug program on Sunday December 24, 2006.

**WHEREFORE**, I declare under penalty of perjury that the foregoing is true and correct and unless the Court rules otherwise, it is respectfully requested that a warrant be issued for Mr. Rivera-Rodríguez.

In San Juan, Puerto Rico, this 28<sup>th</sup> day of December 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

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U.S. Probation Officer  
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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on, December 28, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the EM/ECF system which will send notification of such filing to the following: Rosa Rodríguez, U.S. Attorney, and Joseph Laws of the United States Federal Public defenders Office.

At San Juan, Puerto Rico this 28<sup>th</sup> day of December 2006.

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